

## **REMARKS**

Claims 1-23 are presently pending in the application. Claims 1-23 are rejected. The specification has been amended. Claims 7-9 have been amended. The amendments to the Claims are not narrowing amendments.

Reconsideration of the objections and rejections set forth in the aforementioned Office Action is respectfully requested in view of the following remarks. The basis for the amendments can be found throughout the Specification, Claims and Drawings as originally filed.

### **SPECIFICATION**

The specification and claims are objected to for certain informalities. Applicant has amended the specification and claims 7-9 to consistently use the term "breakpoint." Accordingly, Applicant respectfully requests withdrawal of the objection to the claims and specification.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-10 and 13-21 are rejected under 35 U.S.C. § 102(b) as being anticipated by Fliearman et al. (US 6,067,495). This rejection is respectfully traversed.

Regarding claims 1 and 13, Applicant respectfully submits that Fliearman et al. does not disclose each and every element of a torque request generation system as defined by these claims. In particular, claims 1 and 13 recite a datastore recording a three-dimensional torque surface defined by a coordinate system having a first axis related to an axle torque command, a second axis related to vehicle speed, and a third axis related to an axle torque request.

The Examiner refers to Figure 2 of U.S. Patent. No. 6,067,495 (the '495 patent) as disclosing the claimed three-dimensional torque surface. Applicant respectfully disagrees and submits that Figure 2 merely depicts engine output torque entitled turbine torque as a function of transmission turbine speed and throttle opening percentage. As stated at Col. 5, lines 35-48 of the '495 patent, given a turbine speed and throttle opening percentage, the appropriate turbine torque can be looked up from turbine torque mapped surface 26. The determined turbine torque value is then converted by the gear ratio converter 28 and thereafter supplied to the powertrain control unit 16 as an output torque signal. The '495 patent specification then clarifies that the input turbine torque is therefore converted in accordance with the gear ratio to provide an output value indicative of the transmission output torque.

Accordingly, Applicant respectfully submits that the vertical axis of Figure 2 labeled turbine torque is merely an input turbine torque entering the transmission and not an axle torque request as recited in claims 1 and 13. The title of the term axle torque request relates to an amount of torque requested at a driven vehicle axle. Therefore, the entire vehicle powertrain may be considered when referencing an axle torque request. In particular, the engine, the transmission, propeller shafts, and final drive units (if present) play a part in determining an axle torque request. Figure 2 of the '495 reference provides merely turbine torque as an input to the automatic transmission.

Furthermore, claims 1 and 13 recite that the datastore records a three-dimensional torque surface having a second axis related to the vehicle speed. The Examiner states that Figure 2 of the '495 patent reference provides this disclosure as well. Applicant respectfully disagrees. In particular, Figure 2 has a horizontal axis

entitled Turbine Speed. This axis relates to the rotational speed of the transmission turbine in revolutions per minute (RPM). The turbine speed of Figure 2 does not provide the vehicle speed as recited in claims 1 and 13. This statement is reinforced by noting at Col. 4, lines 1-3, that the turbine speed sensor 20 provides an indication of the rotational speed of the turbine output shaft of the transmission while at Col. 4, line 22, the '495 patent states that various other signals including vehicle speed signals may be received by powertrain control unit 16. Accordingly, Applicant respectfully submits that the vehicle speed is not a turbine speed as defined by the '495 reference itself. Accordingly, Applicant respectfully requests withdrawal of the § 102 rejections.

Regarding claim 2, Applicant would like to point out to the Examiner that the '495 reference does not disclose a nominal axle torque curve residing in a plane formed by the second and third axes thereby allowing dynamic, online adjustment of a creep speed threshold. With reference to Figure 2 of the '495 reference, the plane formed by the turbine speed axis and the turbine torque axis does not lie on the surface 26. Accordingly, the '495 reference does not disclose each and every limitation of claim 2.

Various other claims relate to a creep region, a positive coast down region, a negative coast down region and a pedal breakpoint. These terms are defined in paragraphs 25-27 as well as other locations within the pending application. Applicant respectfully submits that none of the aforementioned terms are disclosed by the '495 reference. Accordingly, Applicant respectfully requests withdrawal of each of the § 102 rejections.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 11-12 and 22-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Flierman et al. (US 6,067,495), in view of Bellinger (US 5,738,606). This rejection is respectfully traversed.

Applicant respectfully relies on the arguments previously set forth relating to the Flierman et al. reference and states that each of claims 11-12 and 22-23 depend from one of the independent claims 1 and 13 previously discussed. As such, Applicant respectfully requests withdrawal of the § 103 rejections.

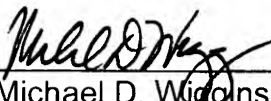
### **CONCLUSION**

All of the grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding office action, and as such, the present application is in condition for allowance.

If it is believed that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600. Prompt and favorable consideration of this amendment is respectfully requested.

Respectfully submitted,

Dated: August 21, 2007

By:   
Michael D. Wiggins  
Reg. No. 34,754

GENERAL MOTORS CORPORATION  
Legal Staff, Mail Code 482-C23-B21  
P.O. Box 300  
Detroit, MI 48265-3000